

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Welker	Team: Team # 4	CCRB Case #: 200919684	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 12/27/2009 12:39 AM	Location of Incident: room § 87(2)(b) at 12 East 31st Street and the 14th Precinct stationhouse	Precinct: 14	18 Mo. SOL 6/27/2011	EO SOL 6/27/2011	
Date/Time CV Reported Tue, 12/29/2009 2:32 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 12/29/2009 2:32 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Bonner	24686	915329	MTS PCT
2. POM Bryan Hanson	22941	930313	MTS PCT
3. SGT Michael McGovern	04682	919389	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Bonner	Discourtesy: PO Joseph Bonner spoke rudely to § 87(2)(b) at 12 East 31st Street.	
B.POM Joseph Bonner	Abuse: PO Joseph Bonner entered room § 87(2)(b) at 12 East 31st Street.	
C.POM Bryan Hanson	Abuse: PO Bryan Hanson entered room § 87(2)(b) at 12 East 31st Street.	
D.POM Joseph Bonner	Force: PO Joseph Bonner used physical force against § 87(2)(b) at 12 East 31st Street.	
E.POM Bryan Hanson	Force: PO Bryan Hanson used physical force against § 87(2)(b) at 12 East 31st Street.	
F.POM Joseph Bonner	Force: PO Joseph Bonner used physical force against § 87(2)(b) at 12 East 31st Street.	
G.SGT Michael McGovern	Abuse: Sgt. Michael McGovern threatened to arrest § 87(2)(b) at the 14th Precinct stationhouse.	

### Case Summary

On December 27, 2009, Sgt. Matthew Griffin of the 14<sup>th</sup> Precinct called IAB to report that § 87(2)(b) sustained a broken leg during his arrest (encl. 5). On December 29, 2009, the case was referred to the CCRB. On December 29, 2009, § 87(2)(b) filed a complaint with the CCRB in person (encl. 6A-6B). § 87(2)(g)

§ 87(2)(b) The incident was caught on video, which the investigation was able to obtain.

On December 27, 2009, PO Joseph Bonner and PO Bryan Hanson of the 14<sup>th</sup> Precinct responded to a dispute at Hotel Chandler located at 12 East 31<sup>st</sup> Street in Manhattan. The following resulted:

- **Allegation A:** PO Joseph Bonner spoke rudely to § 87(2)(b) at 12 East 31<sup>st</sup> Street. § 87(2)(g)
- **Allegation B:** PO Joseph Bonner entered room § 87(2)(b) at 12 East 31<sup>st</sup> Street.
- **Allegation C:** PO Bryan Hanson entered room § 87(2)(b) at 12 East 31<sup>st</sup> Street. § 87(2)(g)
- **Allegation D:** PO Joseph Bonner used physical force against § 87(2)(b) at 12 East 31<sup>st</sup> Street.
- **Allegation E:** PO Bryan Hanson used physical force against § 87(2)(b) at 12 East 31<sup>st</sup> Street. § 87(2)(g)
- **Allegation F:** PO Joseph Bonner used physical force against § 87(2)(b) at 12 East 31<sup>st</sup> Street. § 87(2)(g)
- **Allegation G:** Sgt. Michael McGovern threatened to arrest § 87(2)(b) at the 14<sup>th</sup> Precinct stationhouse. § 87(2)(g)

### Results of Investigation

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white female with brown hair and brown eyes. She is 5'2" tall.

#### CCRB Statement

On December 29, 2009, the CCRB interviewed § 87(2)(b) (encl. 7A-7I). § 87(2)(b) was asleep in her hotel room, § 87(2)(b) at Hotel Chandler, located at 12 East 31<sup>st</sup> Street in Manhattan when she heard knocking at the door. § 87(2)(b) and § 87(2)(b) opened the door and saw two police officers, identified by the investigation as PO Joseph Bonner and PO Bryan Hanson of the 14<sup>th</sup> Precinct. PO Bonner explained that there was a disturbance in the hotel bar involving § 87(2)(b). After approximately five to ten minutes of talking, PO Bonner told § 87(2)(b) that he was under arrest for pushing § 87(2)(b). § 87(2)(b) told the CCRB that she did not remember if § 87(2)(b)

§ 87(2)(b) pushed her. § 87(2)(b) resisted by putting his hands in his pant pockets and moving his shoulders around. § 87(2)(b) later said that § 87(2)(b) was not resisting or moving his body in anyway when he was being placed in handcuffs. PO Bonner pulled § 87(2)(b)'s hands from his pockets and placed him in handcuffs. § 87(2)(b) was not physically resisting when officers escorted him out of the hotel room. In the hallway, PO Bonner kicked § 87(2)(b) in the leg from behind. § 87(2)(b) immediately fell to the ground and screamed that his leg hurt. Approximately five to ten minutes later EMTs arrived and escorted § 87(2)(b) to § 87(2)(b).

At approximately 5:00 a.m. § 87(2)(b) went to the 14<sup>th</sup> Precinct stationhouse and spoke with Sgt. Michael McGovern. Sgt. McGovern refused to grant § 87(2)(b) permission to see § 87(2)(b) in the hospital. When § 87(2)(b) asked Sgt. McGovern for directions to go back to the hospital, he told her that she shouldn't go back to the hospital because she could be arrested. He did not explain what she could be arrested for.

**Victim:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white male with brown hair and hazel eyes. He is 5'7" tall and weighs 190 pounds.

**CCRB Statement**

On December 27, 2009, § 87(2)(b) provided a statement to IAB (encl. 21A-21O). On January 28, 2010, the CCRB interviewed § 87(2)(b) (encl. 8A-8I). § 87(2)(g) On December 27, 2009, at approximately 12:30 a.m. PO Bonner and PO Hanson arrived at § 87(2)(b)'s hotel room. Prior to their arrival, § 87(2)(b) had been at the hotel bar. He had consumed four to five alcoholic beverages that evening. He did not have physical contact with any individuals in the bar. PO Bonner told § 87(2)(b) that he caused some trouble in the hotel bar and some people were complaining about him. § 87(2)(b) told PO Bonner that he did not know what he was talking about. PO Bonner said, "I am going to arrest you, you asshole, you are coming with me." At that point, § 87(2)(b) got out of bed and approached § 87(2)(b). § 87(2)(b) raised his hand up in the air to indicate to her not to move. § 87(2)(b) did not have physical contact with § 87(2)(b). PO Bonner kicked the door open, which hit § 87(2)(b) and caused him to fall to the ground. § 87(2)(b) initially said that PO Bonner pushed him to the ground. PO Bonner immediately began kicking § 87(2)(b) in the back of both legs several times and punching him in the back of the ribs on the right and left sides several times. § 87(2)(b) put his hands in his pockets and got to his knees. PO Bonner said, "I can do whatever the fuck I want." PO Bonner handcuffed § 87(2)(b) lifted him up by the handcuffs, and escorted him into the hallway.

In the hallway PO Bonner stomped on § 87(2)(b)'s right ankle from behind. § 87(2)(b) told PO Bonner that he broke his ankle and PO Bonner said, "I am not finished yet." PO Bonner then kicked § 87(2)(b) in the back of the calf, breaking his shin bone. § 87(2)(b) fell to the ground and screamed out in pain. On the ground, PO Hanson kicked him in the back and PO Bonner stepped on his hands. In his IAB statement, § 87(2)(b) said that his leg was broken because PO Bonner pushed the door against his leg. He later stated to IAB that he was not sure how he broke his leg. In his notice of claim statement, § 87(2)(b) said that once in the hallway, officers threw him to the ground and then stomped on his right leg and foot.

EMTs arrived and transported § 87(2)(b) in an ambulance to § 87(2)(b). He was diagnosed with a broken right ankle and right shin. § 87(2)(b) sustained numbness to his right

arm from being in handcuffs. § 87(2)(b) has seen his neurologist, § 87(2)(b), for the injuries to his right arm.

**Witness:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Asian male with brown hair and brown eyes. He is 5'4" tall and weighs 145 pounds. § 87(2)(b)

**CCRB Statement**

On February 2, 2010, the CCRB interviewed § 87(2)(b) at 12 East 31<sup>st</sup> Street in Manhattan (encl. 12A-12C). On December 27, 2009, at approximately 9:30 p.m. § 87(2)(b) consumed five vodka soda drinks over the course of two hours at the bar. Patrons in the bar complained to § 87(2)(b) that § 87(2)(b) slapped them. § 87(2)(b) called § 87(2)(b) a "Paki" and a "Muslim." § 87(2)(b) told § 87(2)(b) that he needed to sign his bill at the front desk. § 87(2)(b) stood at the front desk in the lobby while § 87(2)(b) was signing his bill. At the front desk, § 87(2)(b) kicked a patron of the bar in the leg. § 87(2)(b) tired to intervene at that point. § 87(2)(b) left the lobby and went back into the bar. He did not see any further interaction between § 87(2)(b) and § 87(2)(b). He did not see any interaction between police officers and § 87(2)(b).

**Witness:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female with black hair and brown eyes. She is 5'4" tall and weighs 140 pounds. § 87(2)(b)

**CCRB Statement**

On February 2, 2010, the CCRB interviewed § 87(2)(b) (encl. 10A-10C). On December 27, 2009, at approximately 11:30 p.m. § 87(2)(b) was § 87(2)(b). § 87(2)(b) informed § 87(2)(b) that § 87(2)(b) had physically and verbally abused patrons in the bar. At that point, § 87(2)(b) went to the front desk to sign his bill. While § 87(2)(b) was at the front desk, a patron from the bar exited the lobby bathroom and approached the front desk. § 87(2)(b) called § 87(2)(b) a "Paki" and also told § 87(2)(b) that he "needs to die." § 87(2)(b) then kicked a male patron of the bar in the leg area. After § 87(2)(b) kicked the male patron, § 87(2)(b) told § 87(2)(b) to calm down and go to his room. § 87(2)(b) pushed § 87(2)(b) in the chest and punched him in the stomach. § 87(2)(b) then got in the elevator and went to his room. § 87(2)(b) called the police and they arrived in approximately five minutes. When the police officers arrived, § 87(2)(b) heard several patrons from the bar tell the police that § 87(2)(b) physically abused them. A male told the officers that § 87(2)(b) hit him on the side and another male told the officers that § 87(2)(b) punched him in the head and hit him in the back. § 87(2)(b) did not witness what happened between police officers and § 87(2)(b).

**Witness:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Hispanic male with brown hair and green eyes. He is 5'9" tall and weighs 220 pounds. § 87(2)(b)

**CCRB Statement**

On February 2, 2010, the CCRB interviewed Carlos § 87(2)(b) (encl. 11A-11C). On December 27, 2009, at approximately 11:30 p.m. § 87(2)(b) was § 87(2)(b). § 87(2)(b) corroborated § 87(2)(b) and § 87(2)(b) statements regarding § 87(2)(b)'s behavior in the bar and the hotel lobby. When § 87(2)(b) approached § 87(2)(b) and told him to go to his room, § 87(2)(b) slapped him three times in the stomach. When the police arrived at the hotel,

§ 87(2)(b) escorted them to § 87(2)(b)'s hotel room. § 87(2)(b) could not see into the hotel room, but he heard § 87(2)(b) say to his wife, "Bitch, shut up." PO Bonner told § 87(2)(b) that he pushed his wife and he was under arrest. § 87(2)(b) said "no" and tried to close the door. PO Bonner put his foot in the door and pushed the door open.

§ 87(2)(b) walked to the doorway and saw § 87(2)(b) on his stomach on the ground. One of his hands was in handcuffs and the officers were struggling to place the other hand in handcuffs. § 87(2)(b) had his other hand in his pant pockets. Once § 87(2)(b) was handcuffed, the officers grabbed him by the shoulders, handcuffs, and back of the pants to lift him up. The officers took § 87(2)(b) out of the hotel room and immediately told him to sit down in the hallway, which he refused to do. PO Bonner swiped § 87(2)(b)'s left leg out, but § 87(2)(b) refused to sit and stood with his weight on his right leg. PO Hanson tried to trip § 87(2)(b)'s right leg, but § 87(2)(b) hopped his right leg back against the wall. At that point, PO Bonner swiped § 87(2)(b)'s left leg out again. § 87(2)(b)'s left leg lifted out in front of him and he fell with his weight on his right leg and his buttocks. Once § 87(2)(b) fell on the ground, he complained that his leg was broken. The officers did not have physical contact with § 87(2)(b) while he was on the ground. § 87(2)(b)'s wife was trying to talk with the officers and § 87(2)(b) said, "You bitch, shut the fuck up..."

#### **NYPD Statements:**

##### **Subject Officer: PO JOSEPH BONNER**

- *PO Bonner is a § 87(2)(b)-old white male with salt and pepper hair and hazel eyes. He is 6'6" tall and weighs 280 pounds.*
- *On December 27, 2009, PO Bonner was scheduled to work sector patrol with PO Hanson from 11:15 p.m. to 7:50 a.m. He was dressed in uniform and assigned to a marked vehicle.*

#### **Memo Book**

PO Bonner has the following memo book entries regarding this incident (encl. 13A-13C).  
"0018: 10-52. deft did strike hotel guests and employees in lobby and bar of location. Responded to room § 87(2)(b) to check on welfare of wife. Deft opened door was very combative did curse in loud manner at a/o. Asked deft to lower voice deft was disturbing guests of hotel. Deft did then try to slam door on a/o. Deft was then observed stating to wife "shut the fuck up" wife had stated § 87(2)(b) calm down it is the police." Deft did then pushed wife with two hands knocking her to the ground. Entered into room told deft to turn around place hands behind back. Deft did put his hands into his two front pockets told to remove hands from pocket, deft was handcuffed and then refused to exit room or sit down outside. Deft complained of pain to leg.  
0039: I under, 0120: transport deft to hospital § 87(2)(b)."

#### **CCRB Statement**

On April 8, 2010, the CCRB interviewed PO Joseph Bonner of the 14<sup>th</sup> Precinct (encl. 13D-13E). On December 27, 2009, at approximately 12:39 a.m. PO Bonner and PO Hanson responded to a dispute at Hotel Chandler located at 12 East 31<sup>st</sup> Street in Manhattan. When they arrived at the location, they spoke with some hotel guests and employees who stated that § 87(2)(b) had hit them. The officers also went to speak with § 87(2)(b) because they were going to be filing a complaint report for the hotel guests. When PO Bonner knocked on the door, § 87(2)(b) answered. PO Bonner explained that a disturbance was reported downstairs and that people complained that § 87(2)(b) hit them. PO Bonner observed that § 87(2)(b) was intoxicated because he smelled of alcohol, his eyes were watery and bloodshot, and his speech was slurred. § 87(2)(b)

began to curse and yell at PO Bonner. § 87(2)(b) approached § 87(2)(b) and said, § 87(2)(b) it is the police.” § 87(2)(b) said, “Shut the fuck up.” He then used two hands and pushed her to the ground. At that point, PO Bonner entered the room and told § 87(2)(b) that he was under arrest. § 87(2)(b) put his hands in his pockets and refused to put his hands behind his back. PO Bonner and PO Hanson were unable to remove his left hand from his pocket. PO Bonner pushed § 87(2)(b) against the bed. § 87(2)(b) landed with his midriff against the edge of the bed and PO Bonner fell on his legs. PO Bonner pulled § 87(2)(b) to the floor and continued to struggle to place him in handcuffs. PO Bonner did not punch or kick § 87(2)(b) at any point, nor did PO Hanson.

After § 87(2)(b) was handcuffed, the officers lifted him up and escorted him out of the room. PO Bonner instructed § 87(2)(b) two to three times to get on the ground, which § 87(2)(b) refused to do. PO Bonner then tried to sweep § 87(2)(b)'s legs from underneath him to get him to the ground. When PO Bonner tried to sweep § 87(2)(b)'s legs, his right leg went out in front of him and his left leg went down. PO Bonner swept § 87(2)(b)'s right leg and § 87(2)(b) went down to the ground. PO Bonner did not kick § 87(2)(b)'s leg at any point, nor did PO Hanson. Once § 87(2)(b) was on the ground, he complained that his ankle hurt. PO Bonner called for EMS. PO Bonner did not kick § 87(2)(b) on the ground or step on him, nor did other officers. PO Bonner did not use profanity with § 87(2)(b) at any point, nor did other officers.

**Subject Officer: PO BRYAN HANSON**

- *PO Hanson is a § 87(2)(b)-old white male with brown hair and hazel eyes. He is 5'9" tall and weighs 175 pounds.*
- *On December 27, 2009, PO Hanson was scheduled to work sector patrol with PO Bonner from 11:15 p.m. to 7:50 a.m. He was dressed in uniform and assigned to a marked vehicle.*

**CCRB Statement**

On April 20, 2010, the CCRB interviewed PO Bryan Hanson of the 14<sup>th</sup> Precinct (encl. 14A-14E). On December 27, 2009, PO Hanson and PO Bonner responded to a dispute at 12 East 31<sup>st</sup> Street in Manhattan. PO Hanson corroborated PO Bonner's statement regarding § 87(2)(b)'s behavior. PO Hanson did not punch or kick § 87(2)(b) nor did PO Bonner. He did not use profanity with § 87(2)(b) nor did PO Bonner.

**Subject Officer: SGT. MICHAEL MCGOVERN**

- *Sgt. McGovern is a § 87(2)(b)-old white male with brown hair and brown eyes. He is 5'9" tall and weighs 215 pounds.*
- *On December 27, 2009, Sgt. McGovern was scheduled to work as desk sergeant at the 14<sup>th</sup> Precinct stationhouse from 11:05 p.m. to 8:02 a.m. He was dressed in uniform.*

**CCRB Statement**

On June 8, 2010, the CCRB interviewed Sgt. Michael McGovern (encl. 15A-15B). On December 27, 2009, at approximately 5:00 a.m. § 87(2)(b) entered the 14<sup>th</sup> Precinct stationhouse. Sgt. McGovern observed that § 87(2)(b) was intoxicated due to her slurred speech and the smell of alcohol on her breath. § 87(2)(b) wanted to see § 87(2)(b) at the hospital while he was in police custody. Given that § 87(2)(b) was arrested regarding domestic violence and § 87(2)(b) was the victim, Sgt. McGovern could not grant her permission to visit him in the hospital. When he told § 87(2)(b) that she would not be granted permission to visit § 87(2)(b) in the hospital,

she began screaming at him. Sgt. McGovern told her that if she went back to the hospital and interfered in anyway with § 87(2)(b)'s custody, then she could be arrested.

### **Medical Records**

On § 87(2)(b), § 87(2)(b) was taken to § 87(2)(b) in police custody. § 87(2)(b)'s medical records indicate that he was "loud," "verbally abusive," "grossly intoxicated," "combative," and "uncooperative." His Blood Alcohol Content was measured at .155 (encl. 16By). § 87(2)(b) had bruising to his lower left leg and deformity to his lower right leg. He was diagnosed with right tibia/fibula fractures. Rods and pins were placed in the right leg during an operation. Doctors prescribed antibiotics, pain medication, and anxiety medication to § 87(2)(b). He was discharged from § 87(2)(b) on § 87(2)(b) (encl. 16A-16Dn).

### **NYPD Documents**

#### **OLBS**

The OLBS indicates that § 87(2)(b) was charged with § 87(2)(b) (encl. 17C).

#### **Domestic Incident Report**

The domestic incident report indicates that § 87(2)(b) pushed § 87(2)(b) causing her to fall to floor. § 87(2)(b)'s written statement indicates that § 87(2)(b) resisted arrest by pushing and shoving. § 87(2)(b) complained of leg pain after he was placed in handcuffs (encl. 17U).

#### **LOD Injury Report**

The line of duty injury report for PO Hanson indicates that he sustained § 87(2)(b) while attempting to handcuff § 87(2)(b) who was resisting (encl. 17V).

#### **IAB**

IAB conducted an initial call out and referred the case to OCD (encl. 21A-O).

### **Other Evidence**

#### **Video Footage**

The investigation obtained video footage from the Hotel Chandler management (encl. 19A-19M). The video footage for the hotel lobby depicts § 87(2)(b) approach an unidentified male and slap him in the side. When § 87(2)(b) signs his bill at the front desk, he side kicks an unidentified male in the leg. It is unclear what specifically happens between § 87(2)(b) and § 87(2)(b) because part of their bodies are out of view in the video footage. The video footage outside of § 87(2)(b)'s hotel room depicts some type of struggle between officers and § 87(2)(b) against the wall in the hallway. It appears as if PO Bonner swipes § 87(2)(b)'s left ankle with his leg in an attempt to bring him to the ground. § 87(2)(b) fell to the ground with his left leg extended in front of him and his right leg behind him. It appears that § 87(2)(b)'s right leg might have gotten caught underneath him. Once § 87(2)(b) was on the ground, he began to roll back and forth and appeared to be yelling. Officers did not have additional physical contact with § 87(2)(b). They did not kick him or step on him. The only visible contact with § 87(2)(b)'s right leg was when PO Bonner swiped it.

### **Summons/Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming assault, battery, excessive force, police brutality, harassment, and battery. He is seeking an unspecified amount as redress (encl. 9A-9D). A 50-H hearing was held on § 87(2)(b).

### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 4A-4B).

### **Subject Officer CCRB History**

- PO Bonner has been a member of the service for 15 years and there are no substantiated CCRB allegations against him.
- PO Hanson has been a member of the service for 8 years and there are no substantiated CCRB allegations against him.
- Sgt. McGovern has been a member of the service for 13 years and there are no substantiated CCRB allegations against him (encl. 3A-3D).

## **Conclusion**

### **Identification of Subject Officers**

- § 87(2)(b) identified PO Bonner as the officer who used profanity towards him. § 87(2)(g)
- PO Bonner and PO Hanson admitted to entering the location and using physical force against § 87(2)(b) § 87(2)(g)
- Sgt. McGovern admitted that he threatened to arrest § 87(2)(b) § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegation A: PO Joseph Bonner spoke rudely to § 87(2)(b) at 12 East 31<sup>st</sup> Street.**

§ 87(2)(b) alleged that PO Bonner called him an “asshole.” PO Bonner denied using profanity towards § 87(2)(b) which is corroborated by PO Hanson. § 87(2)(b) did not allege that an officer used profanity towards § 87(2)(b) nor did § 87(2)(b) § 87(2)(g)

#### **Allegation B: PO Joseph Bonner entered room § 87(2)(b) at 12 East 31<sup>st</sup> Street.**

#### **Allegation C: PO Bryan Hanson entered room § 87(2)(b) at 12 East 31<sup>st</sup> Street.**

According to *Barry Kamin’s Search and Seizure*, under the emergency doctrine, a police officer can enter premises without a warrant to investigate suspicious signs of impending danger. This exigency, is based on the officer’s obligation to protect life and property. In *People v. Mitchell*, the Court noted the requirement that the police must have reasonable grounds to believe



that there is an emergency at hand and that there is an immediate need for their assistance for the protection of life or property (encl. 2A-2B). § 87(2)(g)

**Allegation D: PO Joseph Bonner used physical force against § 87(2)(b) at 12 East 31<sup>st</sup> Street.**

**Allegation E: PO Bryan Hanson used physical force against § 87(2)(b) at 12 East 31<sup>st</sup> Street.**

§ 87(2)(g)

§ 87(2)(b) In his hotel room, § 87(2)(b) alleged that PO Bonner kicked the door open, which hit § 87(2)(b) and caused him to fall to the ground. PO Bonner immediately began kicking § 87(2)(b) in the back of both legs several times and punching him in the back of the ribs on the right and left sides several times. Once in the hallway, PO Bonner stomped on § 87(2)(b)'s right ankle from behind, then kicked § 87(2)(b) in the back of the calf, breaking his shin bone. In his statement to IAB, § 87(2)(b) alleged that his leg broke as a result of the door being pushed into his leg. § 87(2)(b)'s notice of claim indicates that officers threw him to the ground and then stomped his right leg and foot. He also told the CCRB that when he was on the ground, PO Hanson kicked him in the back and PO Bonner stepped on his hands.

PO Bonner told the CCRB that he put his foot in the door, but he did not kick the door. This is corroborated by PO Hanson and § 87(2)(b). PO Bonner denied kicking or punching § 87(2)(b) in the hotel room, which is corroborated by PO Hanson. § 87(2)(b) did not allege that PO Bonner kicked the door open or that he kicked and punched § 87(2)(b) in the hotel room. Furthermore, the video footage and statements are consistent that § 87(2)(b) walked into the hallway without any problem. Video footage, witness, and officer testimony also corroborate that PO Bonner did not stomp on § 87(2)(b)'s right ankle or kick his right calf. PO Hanson and PO Bonner also did not kick § 87(2)(b) in the back or step on his hands.

§ 87(2)(g)

**Allegation F: PO Joseph Bonner used physical force against § 87(2)(b) at 12 East 31<sup>st</sup> Street.**

According to Patrol Guide Procedure 203-11, an officer may use the minimum amount of force necessary to overcome resistance and effect an arrest (encl 2C-2D). It is undisputed that § 87(2)(b) resisted arrest. Once outside of the hotel room, § 87(2)(b) did not comply with orders from uniformed officers to get on the ground. PO Bonner's statement that he used a sweeping motion with his leg to get § 87(2)(b) to the ground is corroborated by video footage. In addition, the video footage indicates that § 87(2)(b)'s right leg was caught underneath his body weight as he fell to the ground with his left leg extended, § 87(2)(g)

§ 87(2)(g)

**Allegation G: Sgt. Michael McGovern threatened to arrest § 87(2)(b) at the 14<sup>th</sup> Precinct stationhouse.**

§ 87(2)(b) went to the 14<sup>th</sup> Precinct stationhouse to obtain Sgt. McGovern's permission to see § 87(2)(b) at the hospital while he was in police custody. Sgt. McGovern could not grant her permission to visit him in the hospital. When he told § 87(2)(b) that she would not be granted permission to visit § 87(2)(b) in the hospital, she began screaming at him. When § 87(2)(b) asked for directions to the hospital, she indicated to Sgt. McGovern that she would go to the hospital. Sgt. McGovern told her that if she went back to the hospital and interfered in anyway with § 87(2)(b)'s custody, then she could be arrested. § 87(2)(g)

§ 87(2)(b) Penal Law 195.05, which prohibits obstructing the administration of the law by preventing a public servant from performing an official function by means of interference (encl. 2E). Obstructing governmental administration is a class A misdemeanor § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date